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Atty. Dkt. No. 040356-0591

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Atsushi OHMA  
Title: FUEL CELL STACK  
Appl. No.: 10/582,222  
International Filing Date: 11/25/2004  
371(c) Date: 06/08/2006  
Examiner: Stephen J. Yanchuk  
Art Unit: 1795  
Confirmation Number: 3852

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

**RELEVANCE OF EACH DOCUMENT**

In a counterpart Canadian application, an Office Action dated April 22, 2009, was received by Applicants. The Canadian Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Canadian Office Action. A copy of the Canadian Office Action is attached herewith.

Applicant wishes to advise the Examiner that the US and foreign patent documents cited in the attached Canadian Office Action have been previously submitted in an Information Disclosure Statement filed on January 17, 2007, and are not provided herewith.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date JUL 22 2009

By Michael D. Kaminski

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